

The Rutland Herald.

LIBERTY AND UNION, NOW AND FOREVER ONE AND INSEPARABLE....JEFFERSON.

VOLUME XII.

The Rutland Herald.

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POETRY.

FOR THE RUTLAND HERALD:

LINES WRITTEN, ON SEEING A YOUNG LADY
ADORNED WITH THE FASHIONABLE
PROTRUSION.

MELANCHOLY SISTER! grecian min!

O'er me thy inspiration fling,

Since for too brief a fate is mine;

The beauties of the here^t to sing.

The HUMPH! what crowding thoughts arise,
What forms of beauty gain my eyes;
What bags of bows, or feathers, full,
And some perchance too, studded with wool,
Before my dazzled vision came.

At thy surprising, lovely name!

In ancient here we find no mention,
Of this most beautiful invention,

And themes conclude, what Homer tells

Of Helen, and the Grecian belle,

Is a mere fib; for who, I pray,

In this gallant, enlightened day,

Would wage a tedious, ten years war,

For any belle he ever saw.

If the fair dame should chance to lack,

A bump of beauty on her back?

Poor Venus claims our just compassion,

For though with her, none dared to vie,

Yet in her day was not the fashion,

A HEMP, upon the back to tie.

The Graces too, were pretty creatures,

With lily skin, and comely features,

With swan-like shape, limbs round and plump,

Yet what of these? they had no HEMP!

When Nature first produced the Fair,

'mong other things it was her care

(As the fair form in beauty grew.)

To shape the back both straight and true;

Except indeed, when in a whim,

Some uncouth dwarf, or monster grim,

She favors with a swelling pack,

Perched high in honor on the back—

But in these days of wondrous light,

Taste rises, her power and might,

And disappearing Nature's plan,

She forms a bag of wool, or bran,

And where she thinks a HEMP should be,

Straight, in that place, a HEMP you'll see.

The names with which the bumps abound,

Are full of sense, as well as sound;—

Nothing more dignified, I'm sure.

Than Bishop, Busto, and Toussaint;

And of some sort, old-fashioned dame,

Should tartly ask—"what's in a name?"

We'd answer—"that, I esmost scan,

But m'm, the THING is full of bran!"

Now listen to me, Lady dear,

A word I'd whisper in your ear;

Why be so partial to one spot?

Why hump one place, and others, not?

It is a bump such beauty lies,

As a true friend, I'd you advise

To raise the bumps on every place,

And then you'd be all over—grace!

Then, if we beauties wish to find,

We need not always look behind!

eternal snows, recalling the first dawning uses, like the memory of early joys, in the tranquil moments of departing age. These, too, fade; but the evening star looks bright from the blue infinite, and like the metals of a better world, leads us safely to our haven.

PARASITE. It is a difficult thing to say what pleasure means. Pleasure bears a different sense to every different person. Pleasure to a country Miss just come out means a rare bell, and as many pretties that she is danced till she can hardly stand. Pleasure to an agosto after fashion, means a card for Deveyshire House, or a nod from Lady—. Pleasure to a school boy means tying a string to his school-bell's top when he is asleep, and pulling it till he awakes him. Pleasure to a man means an injurious word means a bad name or a beetle running with its head off. Pleasure to a crew of rats means a first rate rat, and a good dinner. Pleasure to a laboring man means doing nothing. Pleasure to a lady means having something to distract away the time. Pleasure to an anticipator means an eligible inheritance. Pleasure to a commando means doing nothing, despising every thing, and proving every one a simpleton except himself.—Pleasure to a beggar means a sovereign by mistake, instead of a shilling. Pleasure to a sufferer a fresh broze and a sight of land! Pleasure to the afflicted a test. Pleasure to the sweetest of all tempers the last word of an argument. Pleasure to the social the human face divine. Pleasure to the morose I don't see a soul for the next six months. Pleasure to an author the last page of his manuscript—this inexpressible—time! Pleasure to all, to every one in their own way, and that way a different one. How then define pleasure? It is undefinable! who can say where it is? what it is? A whole college of wise men will not define it. They all may say, "I am pleased." I have been pleased; but also! their pleasure is not the same as others' pleasure. Is that pleasure? the ninety and nine say to the one exception; and the ninety and nine all hold up their hands in astonishment at the pleasure of the other ninety and eight. In the multitude of hearts, and souls, and feelings, in the world, there are not two hearts, souls, and feelings, which will confess pleasure to be one and the same thing. There may be broad resemblances, but there are shade of difference in all.—Jane Grey—a novel.

[From the Boston Atlas]
THE PRESIDENT JUSTIFIES HIS INTERFERENCE IN ELECTIONS.

At different times within the last twelve months, when particular elections have been pending in different States of the West, President Jackson has seen fit to nominate the *secretaries of state*—even *Gibbons*, speeches and other documents, *sent under his own hand*—with the intention of bringing Executive influence to bear upon the freedom of elections. This course has excited great indignation & alarm in all sections of the country; inconsistent as it is with the nature of our institutions, and the pretended doctrines of the President himself. Much comment has been excited in the public journals by this unprecedented and unfathomable conduct, and in some instances the individuals thus appealed to have resented the insult with a very honorable spirit. When Judge White's election to the Senate was pending in the Legislature of Tennessee, every member of that body received three copies of an extra *Globe*, containing matter designed to defeat his election; all of these documents bearing the frank of the President, and one to each member being franked, in the handwriting of *Jackson himself*. The comment on this was the re-election of Judge White with singular unanimity. It is by such a course that President Jackson has lost all his popularity and power in Tennessee. The independent people of that State refuse to submit to his dictation.

The President, however, is not disposed to surrender his supposed privilege; and he has recently addressed a letter to a member of the Tennessee Legislature, in which he *justifies* his conduct by a labored argument. He commences with an allusion to his favorite source of power—*his oath of office*. Mr. Clay's resolution in the Senate, condemning the removal of the *Delegates*, is next attached as arraigning and trying him without a hearing. It is as true that he did not hear, as that he was arraigned and tried. His conduct was defended by Colonel Benton, and the other instruments of his administration on the floor of the Senate, with a zeal, though not with an ability, corresponding to that of its assailants. There was no "impeachment" originated or intended in the Senate; and to say that the Senate has no right to adopt a resolution of censure is about as absurd as to say that they are bound to pass any appropriation that the President desires. For *secret service*, or *disagreement* officer that he may see fit to nominate.

The President then continues: "Thus assailed, how was I to guard, protect, and defend my constitutional rights, but to make known to the people how and wherein they have been violated? If this was the only mode within my reach, and I am acquainted with none other, it is manifest that the circulation of Benton's speech was not only proper in itself, but was demanded by my duty to the country. Those speeches discussed the great principles involved in the proceedings of the Senate, and their personal consistency endangered no political right of the people or their representatives."

But, independently of the special reason, which quoted in this case, I hold myself *entitled* legally to the privilege of circulating under my *frank*, *any documents or papers* which I deem useful to the country, or which are designed to furnish exposition of the public questions, which grow out of the *Legislative or Executive proceedings* of the day.

To those who are familiar with the freedom and latitude with which the printing privilege of the members of Congress has been resorted to, to extenuate the arguments of the Bank, and other interests in conflict with the measures I have deemed it my duty to pursue, it must have been a matter of surprise to hear that the great right of self-defence has not been exercised by me without exciting discontent. Such discontent, I am sure, has never been

felt or manifested by any person really friendly to the principles I have espoused, or to the public cause with which I am identified.

Here is the claim at all length. The President claims the right of circulating under his own frank any documents that he may deem useful to the Country, on any of his *public* business. Questions of law are not. That is, the President claims the right of circulating his Executive *instructions* into any elections that may be going on in any part of the Country. This is the *privilege*, denominated by me, though it is one of the most trying signs of past administration, that they had interfered in their official character in the freedom and purity of elections.

From the *Nashville Courier* Jan. 14.

THE FIRE AT NATCHEZ.

And yet another!—Sunday, January 11, 5 o'clock, A. M.—We got the press to announce that part of the town at the Landing, below Porter street, with the exception of St. Francis's store, is in ruins. The conflagration broke out about half past 8 last evening. It is a fact that calls aloud upon our citizens for vigilance. Can there be a doubt as to what is the meaning of these confabulations, that in quick succession they have burst upon us? Further particulars to-morrow.

From the same paper of the 12th.

FIRE AGAIN AND AGAIN!—TWENTY-EIGHT HOUSES BURNED AT NATCHEZ LAST! The excitement here is indescribable; it does really appear that our beloved city is to be utterly consumed; and the opinion is rife, among all classes of the community, that the gamblers, who were *enfurens* from here, having sworn vengeance against the place, are the *INCENDIARIES*.

Mr. Webster's Speech.

[CONCLUDED.]

There are two views, sir, in which this concurrence may well deserve to be noticed. One is a concurrence which it may perhaps have with the loss of the Fortification bill; the other is, the general importance, as introducing a new rule, or a new practice, respecting the intercourse between the President and the Houses of Congress on the last day of the session.

On the first point I shall only observe that the fact of the President's having declined to receive this communication from the Senate, and of his having left the Capitol, was immediately known in the House of Representatives; that it was quite obvious that if he could not receive a communication from the Senate, neither could he receive a bill from the House of Representatives for his signature. It was equally obvious, that, under these circumstances, the House of Representatives should agree to the report of the committee of conference, so that the bill should pass; it must, nevertheless, fail to become a law, for want of the President's signature; and that, in that case, the blame of losing the bill, on whomsoever else it might fall could not be laid upon the Senate.

On the more general point, I must say sir, that the decision of the President, not to hold communication with the Houses of Congress after 12 o'clock, on the 3d of March, is quite new. No such objection has ever been made before, by the President. No one of them has ever declined communicating with either Houses at any time during the continuance of its session on that day. All Presidents, heretofore, have left it with the Houses themselves to fix their hour of adjournment, and to bring their session, for the day, to a close, whenever they saw fit.

It is notorious, in point of fact, that nothing is more common than for both Houses to sit later than 12 o'clock, for the purpose of completing measures which are in the last stages of their progress.—Amendments are proposed and agreed to, bills passed, enrolled, signed by the presiding officers and other important legislative acts performed often at 2 or 3 o'clock in the morning. At this very well known to gentlemen who have been for any considerable time members of Congress. And all Presidents have signed bills, and have also made amendments to the *Senate* without objection as to time whenever bill have been presented for signature, or whenever it became necessary to make nomination to the *Senate*, at any time during the session of the respective House on that day.

And all this, sir, I suppose to be perfectly right, correct and legal. There is no clause of the Constitution, nor in any law, which devalues that the term of office of members of the House of Representatives shall expire at 12 o'clock at night on the 3d of March. They are to hold for two years, but the precise hour for the commencement of that term of two years is nowhere fixed by constitutional or legal provision. It has been established by usage and by custom, and very properly established, that, since the first Congress commenced its existence on the 1st Wednesday in March, 1789, which happened to be the 4th day of that month, therefore, the 3d of March is the day of commencement of each successive term, but no hour is fixed by law or practice. The true rule is, as I think, most undoubtedly, that the session opened on the last day constitutes the 1st day, for all legislative and legal purposes. While the session commenced on the day contiguous, the day it self continues, according to the established practice, both of legislative and judicial bodies. This could not well be otherwise. If the precise moment of actual time were to settle such a manner it would be material to know, who shall settle the time? Shall it be done by public authority, or shall every man observe the tick of his own watch? If the late time is to furnish a precise rule, the excess of a minute, it is obvious, would be as fatal as the excess of an hour. Sir, no bodies, judicial or legislative, have ever been so hypercritical, so exact to no purpose, as much more nice than wise, as to govern themselves by any such ideas. The session for the day, at whatever hour it commences, or at whatever hour it breaks up, is the legislative day. Every thing has reference to the commencement of that day.

The President then continues: "Thus assailed, how was I to guard, protect, and defend my constitutional rights, but to make known to the people how and wherein they have been violated? If this was the only mode within my reach, and I am acquainted with none other, it is manifest that the circulation of Benton's speech was not only proper in itself, but was demanded by my duty to the country. Those speeches discussed the great principles involved in the proceedings of the Senate, and their personal consistency endangered no political right of the people or their representatives."

But, independently of the special reason, which quoted in this case, I hold myself entitled legally to the privilege of circulating under my frank, any documents or papers which I deem useful to the country, or which are designed to furnish exposition of the public questions, which grow out of the Legislative or Executive proceedings of the day.

To those who are familiar with the freedom and latitude with which the printing privilege of the members of Congress has been resorted to, to extenuate the arguments of the Bank, and other interests in conflict with the measures I have deemed it my duty to pursue, it must have been a matter of surprise to hear that the great right of self-defence has not been exercised by me without exciting discontent. Such discontent, I am sure, has never been

perceived, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of *the important*, and other branches of the national defense, some portions of which *never* have been, *more* usefully applied during the past session.

During these weeks *since* my message, sir, and connecting with the fact that the President had made no recommendation to Congress *in aid* of any such appropriation, it strikes me that *turns* matter for very grave reflection. The President says that this proposed appropriation was "in accordance with the views of the Executive," that it was "in aid of an important object;" and that *those* portions of it might have been most usefully applied during the past session.

And now, sir, if this be so, why was not this appropriation recommended to Congress by the President? I ask this question in the name of the Constitution of the U. S. and *turns* all those who remember its importation, and who mean to respect them, to consider well how the question is to be answered.

The Constitution is not yet an entire dead letter. There is yet some form of observance to its requirements; and even while any degree of formal respect is paid to it, I must be permitted to continue the question why was not this appropriation recommended? It was in accordance with the President's views; it was for an important object; it might have been usefully expended. The President being of opinion, therefore, that *appropriation* was necessary and proper, how is it that it was not recommended to Congress? For, sir, we all know the plain and direct words in which the very first duty of the President is imposed by the Constitution. Here they are:

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

After enumerating the *powers* of the President, this is the first, the very first *duty* which the Constitution gravely enjoins upon him. And now, sir, in no language of *taunt* or *reproach*, in no language of party attack, in terms of no *severity* or *exaggeration*, but called up by the necessity of defending my own vote upon the subject, I now, as a public man, as a member of Congress here in my place, and as a citizen who feels *as* *warn* *an attachment* to the Constitution of the country, as any other can, demand of any who may choose to give it, an answer to this question: "WHY WAS NOT THIS MEASURE, WHICH THE PRESIDENT DECLARED THAT HE BE THOUGHT NECESSARY AND EXPEDIENT, RECOMMENDED TO CONGRESS?" And why am I, and why are other members of Congress, whose paths of duty the Constitution says shall be enlightened by the President's opinions and communication, to be charged with want of patriotism and want of fidelity to the country, because we refused an appropriation which the President, though it was in accordance with his views, and though he believed it important, would not, and did not, recommend to us? When these questions are answered, sir, to the satisfaction of intelligent and impartial men, then, let *reproach*, let *censure*, let *suspicion* of any kind rest on the twenty-nine names which stand opposed to this appropriation.

How, sir, were we to know that this appropriation "was in accordance with the views of the Executive"? He had not so told us, formally or informally. He had not only not recommended it to Congress, or either Houses of Congress, but nobody on this floor had undertaken to speak in his behalf. No man got up to say, "the President desires this, he thinks it necessary, expedient, and proper." But sir, if any gentleman had risen to say this, it would not have answered the requisition of the Constitution. Not at all. It is not a hint, an intimation, the suggestion of a friend, by which the Executive duty in this respect is to be fulfilled. By no means. The President is to make a recommendation, a public recommendation; an official recommendation, a responsible recommendation; not to one House; but to both Houses; it is to be a recommendation to Congress. If, on receiving such a recommendation, Congress fail to pay it proper respect, the fault is theirs. If, deeming the measure necessary and expedient, the President fails to recommend it, the fault is his, clearly, distinctly, and exclusively, his. This, sir, is the Constitution of the U. S. Does not every man see how perfectly unconstitutional it is that the President should communicate his opinions or wishes to Congress on such grave and important subjects, otherwise than by a direct and responsible recommendation—a public and open recommendation, equally addressed and equally known to all whose duty calls upon them to act on the subject? What would be the state of things if he might communicate his wishes or opinions privately to members of one House